

AMENDED IN ASSEMBLY MAY 6, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1533

Introduced by Assembly Member Bermudez

February 21, 2003

An act to add Chapter 9.8 (commencing with Section 6280) to Title 7 of Part 3 of the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1533, as amended, Bermudez. Drug treatment furlough program.

Existing law provides for work furlough programs for specified types of inmates for the 120 days prior to their release back into society.

This bill would provide for comparable drug treatment furlough programs for nonviolent offenders for their last ~~120~~ 180 days in prison. *The bill would require the Department of Corrections to obtain facilities and contract for services for purposes of the program, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 9.8 (commencing with Section 6280) is
2 added to Title 7 of Part 3 of the Penal Code, to read:
3

CHAPTER 9.8. DRUG TREATMENT FURLOUGH PROGRAMS

~~6280. (a) To the extent that public agencies and private nonprofit and profit corporations have available beds and satisfy the criteria specified in this chapter, the~~ The Department of Corrections shall contract with ~~them~~ *public agencies and nonprofit organizations that satisfy the criteria specified in this chapter* to provide drug treatment furlough programs for all inmates convicted of nonviolent offenses ~~120~~ 180 days prior to scheduled release and who are not excluded under this chapter.

~~(b) The Department of Corrections shall contract with private nonprofit and profit corporations for at least 1/3 of all reentry drug treatment furlough beds, unless the department determines these beds are not available or do not comply with this chapter. The department shall report annually in writing to the fiscal and appropriate policy committees of the Legislature on the actions performed to locate those beds or reasons for noncompliance. This provision shall not be interpreted to impair existing contracts.~~

6281. The Department of Corrections may contract with a public ~~or private nonprofit or profit agency or nonprofit~~ corporation meeting all the following conditions:

(a) Availability of a drug treatment furlough facility in compliance with standards established by the Department of Corrections.

(b) Location of a facility in proximity to geographical areas providing drug treatment opportunities and public transportation services.

~~(c) Cost proposals equal to or less than the per capita amount for housing in a correctional institution, including administrative costs.~~

~~(d) Criteria for placement that does not differ significantly from the policies of the Department of Corrections.~~

~~(e) Submission by the agency of operational guidelines that are approved by the Department of Corrections pursuant to its classification manual.~~

~~(f) Compliance with other requirements deemed appropriate by the Department of Corrections, including, but not limited to, visiting procedures, 24-hour security, and recreation.~~

~~(g) Efficient fiscal management and financially solvent.~~

1 6283. (a) The Department of Corrections shall deny
2 placement in a reentry drug treatment furlough program if it
3 determines that an inmate would pose an unreasonable risk to the
4 public, or if any one of the following factors exist, except in
5 unusual circumstances, including, but not limited to, the
6 remoteness in time of the commission of the offense:

7 (1) Conviction of a crime involving arson or sex, or required to
8 register as a sex offender under Section 290.

9 (2) History of forced escape.

10 (3) Drug treatment program outside the area served by the
11 facility.

12 (4) History of serious institutional misconduct.

13 (5) Prior placement in a protective housing unit within a
14 correctional institution, except a person placed there while
15 assisting a public entity in a civil or criminal matter.

16 (6) More than one conviction of a crime of violence.

17 (7) Sentenced to life imprisonment, with or without the
18 possibility of parole.

19 (8) Sentenced for a felony pursuant to either Section 667 or
20 1170.12.

21 (9) Prior conviction for a serious felony, as defined in
22 subdivision (c) of Section 1192.7, or a violent felony, as defined
23 in subdivision (c) of Section 667.5.

24 (b) Nothing in this section shall be interpreted to limit the
25 discretion of the Department of Corrections to deny placement
26 when the provisions of subdivision (a) do not apply.

27 ~~(c) Inmates transferred to reentry drug treatment furlough~~
28 ~~remain under the legal custody of the department and shall be~~
29 ~~subject at any time, pursuant to the rules and regulations of the~~
30 ~~Director of Corrections, to be detained in a county jail upon the~~
31 ~~exercise of a state parole or correctional officer's peace officer~~
32 ~~powers as specified in Section 830.5, with the consent of the~~
33 ~~sheriff or corresponding official having jurisdiction over the~~
34 ~~facility.~~

35 6284. The Department of Corrections shall review each
36 inmate for drug treatment furlough consideration at least 120 days
37 prior to his or her scheduled parole date

38 6285. Any inmate violating the conditions of the drug
39 treatment furlough prescribed by the Department of Corrections

1 shall be subject to the disciplinary procedures identified in its
2 classification manual.

3 ~~6286. (a) The director may charge the inmate in a drug~~
4 ~~treatment furlough program reasonable fees, based on ability to~~
5 ~~pay for room, board, and so much of the costs of administration as~~
6 ~~are allocable to the inmate. Fees may not exceed the actual,~~
7 ~~demonstrable costs to the department. No fees shall be collected~~
8 ~~from an inmate after his or her tenure in a drug treatment furlough~~
9 ~~program is terminated.~~

10 ~~(b) Notwithstanding any other provision of law, no inmate shall~~
11 ~~be denied placement in a drug treatment furlough program on the~~
12 ~~basis of inability to pay fees authorized by this section.~~

13 *6286. (a) The Department of Corrections shall purchase,*
14 *design, construct, and renovate or lease facilities, and, in*
15 *consultation with the State Department of Alcohol and Drug*
16 *Programs, shall design core alcohol and drug treatment programs,*
17 *with specific requirements and standards. Residential facilities*
18 *shall be licensed by the State Department of Alcohol and Drug*
19 *Programs in accordance with provisions of the Health and Safety*
20 *Code governing licensure of alcoholism or drug abuse recovery or*
21 *treatment facilities. The selected agency service providers shall*
22 *demonstrate the following criteria and procedures:*

23 *(1) A demonstrated ability to provide comprehensive services*
24 *to substance abusers consistent with this chapter. Criteria shall*
25 *include, but not be limited to, each of the following:*

26 *(A) The success records of the types of programs proposed*
27 *based upon standards for successful programs.*

28 *(B) Expertise and actual experience of persons who will be in*
29 *charge of the proposed program.*

30 *(C) Cost-effectiveness, including the costs per client served.*

31 *(D) A demonstrated ability to implement a program as*
32 *expeditiously as possible.*

33 *(E) An ability to accept referrals and participate in a process*
34 *with the probation department determining eligible candidates for*
35 *the program.*

36 *(F) A demonstrated ability to seek and obtain supplemental*
37 *funding as required in support of the overall administration of this*
38 *facility from any county, state, or federal source that may serve to*
39 *support this program, including the State Department of Alcohol*
40 *and Drug Programs, the Office of Criminal Justice Planning, the*

1 *State Department of Social Services, the State Department of*
2 *Mental Health, or any county public health department.*

3 *(G) An ability to provide intensive supervision of the program*
4 *participants to ensure complete daily programming.*

5 *(b) Staff from the department shall be available to selected*
6 *agencies for consultation and technical services in preparation*
7 *and implementation of the selected proposals.*

8 *(c) The department shall consult with existing program*
9 *operators that are then currently delivering similar program*
10 *services, the State Department of Alcohol and Drug Programs,*
11 *and others it may identify in the development of the program.*

12 *(d) Agencies shall demonstrate an ability to provide offenders*
13 *a continuing supportive network of outpatient drug treatment and*
14 *other services upon completion of the program and reintegration*
15 *into the community.*

16 *(e) The department may propose any variation of types and*
17 *sizes of facilities to carry out the purposes of this chapter.*

18 6287. *For purposes of this chapter, the following definitions*
19 *shall apply:*

20 *(a) "Agency" means the public agency or nonprofit*
21 *organization selected by the department to operate this program.*

22 *(b) "Construction" means the purchase, new construction,*
23 *reconstruction, remodeling, renovation, or replacement of*
24 *facilities, or a combination thereof.*

25 *(c) "County" means each individual county as represented by*
26 *the county board of supervisors.*

27 *(d) "Court" means the superior court sentencing the offender*
28 *to the custody of the department.*

29 *(e) "Department" means the Department of Corrections.*

30 *(f) "Facility" means the nonsecure physical buildings, rooms,*
31 *areas, and equipment.*

32 *(g) "Program" means an intensive substance abusing*
33 *alternative sentencing program.*